



Senate

General Assembly

File No. 248

January Session, 2013

Senate Bill No. 908

Senate, March 28, 2013

The Committee on Labor and Public Employees reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE USE OF CRIMINAL CONVICTION INFORMATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2013*) Any aggrieved person
2 may enforce the provisions of subsections (d) and (e) of section 31-51i
3 of the general statutes by means of a civil action. Any employer,
4 employer's agent, representative or designee that violates subsection
5 (d) or (e) of section 31-51i of the general statutes or who aids in the
6 violation of any provision of said section shall be liable to the person
7 aggrieved for special and general damages, together with attorney's
8 fees and costs.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	New section
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LAB Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
All	Various – Potential Cost	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
All Municipalities	Cost	See Below	See Below

Explanation

The bill allows prospective and current employees to bring a civil suit against an employer that violates laws regarding the use of certain criminal background information.

There is a potential cost to the state and municipalities resulting from damages, attorney's fees, and costs associated with any lawsuits arising from this bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of lawsuits filed.

OLR Bill Analysis**SB 908*****AN ACT CONCERNING THE USE OF CRIMINAL CONVICTION INFORMATION.*****SUMMARY:**

The law prohibits an employer (including its agent, representative, or designee) from denying employment to a prospective employee, or discharging or discriminating against a current employee, solely because the employee (1) had certain arrests, criminal charges, or convictions with legally erased records or (2) received a provisional pardon from the Board of Pardons and Paroles. This bill allows prospective and current employees to bring a civil suit against an employer that violates, or aids in the violation of, this law. It makes the employer liable for damages, attorney's fees, and costs. Existing law, unchanged by the bill, allows the Department of Labor to levy a \$300 civil penalty for violations.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Erased Records and Employee Protection***

The law protecting employees with erased records covers an employee whose police and court records were erased because the employee was (1) convicted as a child delinquent, adjudicated as a member of a family with service needs, and subsequently discharged from supervision under certain conditions; (2) adjudicated a youthful offender and subsequently discharged from supervision under certain conditions; or (3) found not guilty, had charges nolleed or dismissed, or received an absolute pardon (CGS § 31-51i).

The Board of Pardons and Paroles can issue a provisional pardon to an eligible offender to relieve him or her of certain barriers to

employment or obtaining a credential (such as an occupational license) resulting from a criminal conviction. It does not erase the conviction record or relieve related disclosure requirements.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 7 Nay 4 (03/12/2013)